

REMARKS

With entry of the instant amendment, claims 2, 3, 9, and 10 have been cancelled and new claims 15-42 have been added. Claims 1, 4-8, and 11-14 are drawn to a non-elected invention.

The new claims add no new matter and are fully supported throughout the application.

Claim 15 recites a domain recites a sequence non-specific double-stranded nucleic acid binding domain that comprises an amino acid sequence that has at least 50% amino acid identity to a 50 amino acid subsequence of SEQ ID NO:2. Support for the new claim can be found, *e.g.*, on page 2, lines 32-33.

Claims 20 and 21 recite a sequence non-specific double-stranded nucleic acid binding domain that comprises an amino acid sequence that has at least 85% amino acid identity to a 50 amino acid subsequence of SEQ ID NO:2, and a nucleic acid binding domain that comprises an amino acid sequence having at least 75% identity to SEQ ID NO:2, respectively. Support for the claims can be found in the specification, *e.g.*, at page 14, lines 4-9.

Claims 30, 33, and 34, recite a sequence non-specific double-stranded nucleic acid binding domain that comprises an amino acid sequence that has at least 75% identity (claim 30), 85% identity (claim 33), or 90% identity (claim 34) to the Sac7d sequence set forth in SEQ ID NO:10. Support for the amendment can be found in the specification, *e.g.*, at page 14, lines 4-9, and page 50, SEQ ID NO:10, which shows the amino acid sequence of a Sac7d- Δ Taq fusion protein. The sequence of Sac7d is known, the portion of the fusion protein sequence that encodes Sac7d can therefore readily be determined by the practitioner.

Restriction Requirement

Applicants elect Group II, claims 15-42, with traverse. According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. *See*, the MPEP at § 803.01. In establishing that an "undue burden" would exist for co-examination of

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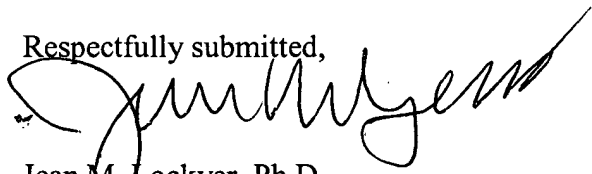
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claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. A search of the proteins encompassed by claims 15-42 would also identify references relating to their use. Accordingly, examination of the claims in Groups I and II together would not create an undue burden.

Applicants therefore respectfully request withdrawal of the restriction requirement.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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